

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

ADAM STUPAK,

Defendant.

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Criminal No. 04-10367-DPW

**MOTION TO FURTHER CONTINUE SENTENCING
FROM SEPTEMBER 21, 2006 TO MARCH, 2007
(Assented To)**

Now comes the United States of America, by and through its attorney, Michael J. Sullivan, and requests the Court to continue the sentencing of the defendant, Adam Stupak, in this case from September 21, 2006 until a date on or after March 15, 2007, for the following reasons:

1. The defendant, Adam Stupak, has entered into a Plea Agreement with the government which requires him to, among other things, cooperate fully with law enforcement agents and government attorneys, and requires that he testify truthfully and completely before any grand jury, and at any hearing and trial in this and any related cases. The defendant's cooperation is not yet complete and will not be at least until March 2007.
2. In his Plea Agreement, the defendant waived any rights he may have to prompt sentencing and agreed to join in any requests by the U.S. Attorney that sentencing be postponed until Defendant's cooperation is complete, in order to enable the Court to have the benefit of all relevant sentencing information.

3. As part of his plea agreement with the United States, the U.S. Attorney reserved the right to make a motion pursuant to U.S.S.G. § 5K1.1 for a downward departure based upon Mr. Stupak's substantial assistance. At present, the defendant's cooperation is not complete and will not be complete at least and until he testifies in a pending case, *United States v. John Bruens, et al.*, Criminal No. 05-10102-JLT, in which he is a key witness.
4. On July 13, 2006, the Final Status Conference was held in the *Bruens* case. The government continues to provide early disclosure of *Jencks* materials to the defendants in that case. The defendants pre-trial motions are due to be filed in that case on September 19, 2006 with the Government's response is due October 17, 2006. Although there is presently no trial date in the *Bruens* case, the case is expected to be trial ready by January 2007. Trial is expected to take 4-5 weeks.
5. The Presentence Report in this case has been prepared, but does not include any information concerning the defendant's substantial assistance or the government's motion pursuant to U.S.S.G. § 5K1.1 for a downward departure, which the government will not be in a position to file until after the *Bruens* trial. The government will then be in a better position to detail for the court the nature and extent of Mr. Stupak's substantial assistance and to present to the Court its recommendation regarding sentencing.
6. Therefore, the government requests that sentencing in this case be continued until a date on or after March 15, 2007
7. The parties have conferred pursuant to L. R. 7.1. Defendant's counsel assents to this motion.

Wherefore, the United States requests the Court to further continue sentencing in this case from September 21, 2006 until a date on or after March 15, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: */s/ Mary Elizabeth Carmody*

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CERTIFICATION PURSUANT TO L. R. 7.1 (A)(3)

I hereby certify that on August 29, 2006, the parties conferred and counsel for the defendant assented to this motion.

/s/ Mary Elizabeth Carmody

MARY ELIZABETH CARMODY

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Mary Elizabeth Carmody

MARY ELIZABETH CARMODY
Assistant United States Attorney

Date: August 29, 2006